

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PMI NEBRASKA, LLC,

Plaintiff,

vs.

DAVID NORDHUES, an Individual; CHRIS  
GOLICK, an Individual; PRECISION AG  
CONSTRUCTION, LLC, a Nebraska Limited  
Liability Company; and COLIN MCCLURE,

Defendants.

**4:18CV3126**

**ORDER**

This matter is before the Court on Plaintiff's Motion to Request Different Place of Trial. ([Filing No. 10.](#)) Plaintiff requests that the place of trial be changed from Lincoln, Nebraska to North Platte, Nebraska. Defendants submitted a brief in opposition to Plaintiff's motion. ([Filing No. 16.](#)) The motion will be denied.

In deciding the place of trial, the Court considers "the convenience of the litigants, witnesses, and attorneys." NECivR 40.1. "A transfer should not be granted if the effect is to merely shift the inconvenience from one party to the other." [Aumann Auctions, Inc. v. Phillips, No. 8:07CV431, 2008 WL 687056, \\*2 \(D. Neb. Mar. 10, 2008\)](#). "The party seeking to change the place of trial within this district bears the burden of establishing that the transfer should be granted." *Id.*

Plaintiff claims that due to its central location within Nebraska, North Platte is a more convenient location for trial. In support of its motion, Plaintiff submitted a two-page affidavit from its counsel. The affidavit states: (1) Plaintiff has a principal place of business in Hall County, Nebraska; (2) Third-Party Defendant Colin McClure is a resident of Grand Island, Hall County, Nebraska; (3) Defendant Precision Ag Construction, LLC has a registered office address in Hall County, Nebraska; (4) Defendant David Nordhues resides in Hall County, Nebraska; and (5) Defendant Chris Golick resides in Howard County, Nebraska. ([Filing No. 10-2.](#))

Plaintiff has not offered any evidence indicating that the convenience of the litigants, witnesses, and attorneys would be better served by conducting trial in North Platte. Plaintiff's counsel's affidavit acknowledges that parties have principal places of business in Hall County, Nebraska. North Platte is in Lincoln County, Nebraska. Plaintiff's counsel further acknowledges that the acts giving rise to the allegations in this case occurred in various counties across Nebraska, including Hall and Dawson counties, and that witnesses who are competent to testify about the allegations reside in various counties across Nebraska. ([Filing No. 10-2](#).) Plaintiff's counsel did not provide any specific information as to where witnesses are located. However, Defendants contend that none of the witnesses are located west of Grand Island. Grand Island is closer to Lincoln than it is to North Platte, which would seemingly make Lincoln a more convenient forum for witnesses. Also, it appears that Plaintiff's counsel offices in Grand Island, Nebraska and Defendants' counsel is in Lincoln, Nebraska.

Accordingly,

**IT IS ORDERED** that Plaintiff's Motion to Request Different Place of Trial ([Filing No. 10](#)) is denied.

Dated this 13<sup>th</sup> day of November, 2018.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge